

AMENDED IN SENATE JUNE 2, 2009

AMENDED IN SENATE APRIL 2, 2009

## SENATE BILL

No. 458

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### Introduced by Senator Wolk

(Principal coauthor: Assembly Member Yamada)

**(Coauthors: Senators DeSaulnier and Wiggins)**

(Coauthor: Assembly Member Torlakson)

February 26, 2009

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An act to add Division 22.3 (commencing with Section 32300) to the Public Resources Code, relating to ~~the conservancies~~ *conservancies*.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 458, as amended, Wolk. Conservancies: Sacramento-San Joaquin Delta Conservancy.

Existing law authorizes various conservancies to acquire, manage, direct the management of, and conserve public lands in the state.

This bill would establish the Sacramento-San Joaquin Delta Conservancy to ~~undertake various activities related to the Delta, as defined, including supporting~~ *support* efforts that advance both environmental protection and the economic well-being of Delta residents, and ~~cooperating to cooperate~~ with other Delta governance entities. The bill would prescribe the management, powers, and duties of the conservancy. ~~The bill would create the Sacramento-San Joaquin Delta Conservancy Fund in the State Treasury. Moneys in the fund would be available, upon appropriation, for the purposes of the conservancy.~~

*The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, an initiative statute approved by the voters at the November 7, 2006, statewide general*

*election, among other things, makes certain bond funds available to the Department of Fish and Game, in consultation with the Department of Water Resources for Bay-Delta and coastal fishery restoration projects, for the development of a natural community conservation plan for the CALFED Bay-Delta Program, and for coastal salmon and steelhead fishery restoration projects.*

*This bill would require the conservancy be funded with those bond funds, upon appropriation by the Legislature.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Division 22.3 (commencing with Section 32300) is added to the Public Resources Code, to read:

DIVISION 22.3. SACRAMENTO-SAN JOAQUIN DELTA  
CONSERVANCY

CHAPTER 1. GENERAL PROVISIONS

32300. This division shall be known, and may be cited, as the Sacramento-San Joaquin Delta Conservancy Act.

~~32301. The Legislature finds and declares all of the following:~~

~~(a) The Sacramento-San Joaquin Delta is a unique natural resource of local, state, and national significance.~~

~~(b) At 1,300 square miles, the Delta is the largest estuary on the west coast of North and South America.~~

~~(c) Its rivers and labryniths of sloughs and channels are home to 750 species of plants and wildlife as well as 55 species of fish, provide habitat for 700 native plant and animal species, and are part of the Pacific Flyway, one of the largest estuaries in the world.~~

~~(d) The Delta contains more than 500,000 acres of agriculture, with unique soils and farmers who are creative and utilize innovative agriculture, such as carbon sequestration crops, subsidence reversal crops, wildlife-friendly crops, and crops direct for marketing to the large urban populations nearby.~~

~~(e) The Delta provides numerous opportunities for recreation, such as boating, kayaking, fishing, hiking, birding, and hunting. Navigable waterways in the Delta are available for public access~~

1 and currently make up the majority of recreational opportunities.  
2 There is a need for land-based recreational access points including  
3 parks, picnic areas, and campgrounds.

4 (f) The Delta's history is rich with a distinct natural and cultural  
5 heritage. It is home to the community of Locke, the only town in  
6 the United States built primarily by early Chinese immigrants.  
7 Other legacy communities include Isleton, Rio Vista, Walnut  
8 Grove, Courtland, Clarksburg, Freeport, Knightsen, Hood, and  
9 Bethel Island.

10 (g) The Delta is home to more than 500,000 people and 200,000  
11 jobs, and contributes over thirty-five billion dollars  
12 (\$35,000,000,000) to the state's economy.

13 (h) In addition, the Delta provides water to more than 25 million  
14 Californians and three million acres of agriculture. It supports a  
15 four hundred billion dollars (\$400,000,000,000) economy and is  
16 traversed by energy, communications, and transportation facilities  
17 vital to the economic health of California.

18 (i) A Sacramento-San Joaquin Delta Conservancy can support  
19 efforts that advance both environmental protection and the  
20 economic well-being of Delta residents in a complementary  
21 manner, including all of the following:

- 22 (1) Enhance habitat and habitat restoration.
- 23 (2) Protect agriculture and working landscapes.
- 24 (3) Increase recreation and public access in the Delta, including  
25 linkages to areas outside the Delta.
- 26 (4) Promote tourism and economic vitality in the Delta.
- 27 (5) Promote Delta legacy communities.
- 28 (6) Protect historical and cultural resources.
- 29 (7) Assist local entities in the implementation of their Habitat  
30 Conservation Plans (HCPs) and Natural Community Conservation  
31 Plans (NCCPs).
- 32 (8) Facilitate safe harbor agreements for adjacent landowners.
- 33 (9) Promote environmental education.

34  
35 CHAPTER 2. DEFINITIONS  
36

37 32310. For the purposes of this division, the following terms  
38 have the following meanings:

39 (a) "Board" means the governing board of the Sacramento-San  
40 Joaquin Delta Conservancy.

(b) “Conservancy” means the Sacramento-San Joaquin Delta Conservancy.

(c) “Delta” means the Sacramento-San Joaquin Delta as defined in Section 12220 of the Water Code.

~~(d) “Fund” means the San-Joaquin Delta Conservancy Fund created pursuant to Section 32374.~~

~~(e) “Local public agency” means a city, county, district, or joint powers authority.~~

~~(f) “Nonprofit organization” means a private, nonprofit organization that qualifies for exempt status under Section 501(c)(3) of Title 26 of the United States Code and that has among its principal charitable purposes preservation of land for scientific, recreational, scenic, or open-space opportunities, protection of the natural environment, preservation or enhancement of wildlife, preservation of cultural and historical resources, or efforts to provide for the enjoyment of public lands.~~

~~(g) “Tribal organization” means an Indian tribe, band, nation, or other organized group or community, or a tribal agency authorized by a tribe, which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians and is identified on pages 52829 to 52835, inclusive, of Number 250 of Volume 53 (December 29, 1988) of the Federal Register, as that list may be updated or amended from time to time.~~

### CHAPTER 3. SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY

32320. There is in the Natural Resources Agency the Sacramento-San Joaquin Delta Conservancy, which is created as a state agency to work in collaboration and cooperation with local governments and interested parties.

32322. The conservancy shall support efforts that advance both environmental protection and the economic well-being of Delta residents in a complementary manner, ~~including all of the following:~~

~~(a) Enhance habitat and habitat restoration.~~

~~(b) Protect agriculture and working landscapes.~~

~~(c) Increase recreation and public access in the Delta, including linkages to areas outside the Delta.~~

~~(d) Promote tourism and economic vitality in the Delta.~~

- ~~(e) Promote Delta legacy communities.~~
- ~~(f) Protect historical and cultural resources.~~
- ~~(g) Assist local entities in the implementation of their Habitat Conservation Plans (HCPs) and Natural Community Conservation Plans (NCCPs).~~
- ~~(h) Facilitate safe harbor agreements for adjacent landowners.~~
- ~~(i) Promote environmental education.~~

CHAPTER 4. GOVERNING BOARD

32330. The board shall consist of 11 voting members and four nonvoting members, ~~appointed or designated as follows: by the Governor and confirmed by the Senate. A member shall serve for a term of four years.~~

~~(a) The 11 voting members of the board shall consist of all of the following:~~

~~(1) The Secretary of the Natural Resources Agency, or his or her designee.~~

~~(2) The Director of Finance, or his or her designee.~~

~~(3) The Chairperson of the Delta Protection Commission, or his or her designee.~~

~~(4) One public member appointed by the Contra Costa County Board of Supervisors, who is a resident of the county.~~

~~(5) One public member appointed by the San Joaquin County Board of Supervisors, who is a resident of the county.~~

~~(6) One public member appointed by the Sacramento County Board of Supervisors, who is a resident of the county.~~

~~(7) One public member appointed by the Solano County Board of Supervisors, who is a resident of the county.~~

~~(8) One public member appointed by the Yolo County Board of Supervisors, who is a resident of the county.~~

~~(9) One public member appointed by the Governor.~~

~~(10) One public member appointed by the Senate Committee on Rules.~~

~~(11) One public member appointed by the Speaker of the Assembly.~~

~~(b) The four nonvoting members shall consist of the following:~~

~~(1) A designee of the San Francisco Bay Conservation and Development Commission for coordination purposes.~~

1     ~~(2) A designee of the State Coastal Conservancy for coordination~~  
2     ~~purposes.~~

3     ~~(3) A Member of the Senate, appointed by the Senate Committee~~  
4     ~~on Rules, and a Member of the Assembly, appointed by the Speaker~~  
5     ~~of the Assembly, shall meet with the conservancy and participate~~  
6     ~~in its activities to the extent that this participation is not~~  
7     ~~incompatible with their positions as Members of the Legislature.~~  
8     ~~The appointed Members shall represent a district that encompasses~~  
9     ~~a portion of the Delta.~~

10    ~~(e) The public member appointed by the Governor shall serve~~  
11    ~~at his or her pleasure.~~

12    ~~(d) The locally appointed public members shall serve for a term~~  
13    ~~of four years, with a two-term limit.~~

14    ~~(e) The public members appointed by the Senate Committee on~~  
15    ~~Rules and the Speaker of the Assembly shall serve for a term of~~  
16    ~~four years, with a two-term limit.~~

17    ~~(f) The Members of the Senate and Assembly shall serve for a~~  
18    ~~term of four years, with a two-term limit.~~

19    ~~32332. Annually, the voting members of the board shall elect~~  
20    ~~from among the voting members a chairperson and vice~~  
21    ~~chairperson, and other officers as necessary. If the office of the~~  
22    ~~chairperson or vice chairperson becomes vacant, a new chairperson~~  
23    ~~or vice chairperson shall be elected by the voting members of the~~  
24    ~~board to serve for the remainder of the term.~~

25    ~~32334. A majority of the voting members shall constitute a~~  
26    ~~quorum for the transaction of the business of the conservancy. The~~  
27    ~~board shall not transact the business of the conservancy if a quorum~~  
28    ~~is not present at the time a vote is taken. A decision of the board~~  
29    ~~requires an affirmative vote of six of the voting members, and the~~  
30    ~~vote is binding with respect to all matters acted on by the~~  
31    ~~conservancy.~~

32    ~~32336. The board shall adopt rules, regulations, and procedures~~  
33    ~~for the conduct of business by the conservancy.~~

34    ~~32338. The board may establish advisory boards or committees,~~  
35    ~~hold community meetings, and engage in public outreach.~~

36    ~~32340. The board shall establish and maintain a headquarters~~  
37    ~~office within the Delta. The conservancy may rent or own real and~~  
38    ~~personal property and equipment pursuant to applicable statutes~~  
39    ~~and regulations.~~

1     ~~32342.~~

2     32332. The board shall determine the qualifications of, and  
3 shall appoint, an executive officer of the conservancy, who shall  
4 be exempt from civil service. The board shall employ other staff  
5 as necessary to execute the powers and functions provided for in  
6 this division.

7     ~~32344. The board may enter into contracts with private entities~~  
8 ~~and public agencies to procure consulting and other services~~  
9 ~~necessary to achieve the purposes of this division.~~

10    ~~32346.~~

11    32334. The conservancy's expenses for support and  
12 administration may be paid from the conservancy's operating  
13 budget and any other funding sources available to the conservancy.

14    ~~32348. The board shall conduct business in accordance with~~  
15 ~~the requirements of the Bagley-Keene Open Meeting Act (Article~~  
16 ~~9 (commencing with Section 11120) of Chapter 1 of Part 1 of~~  
17 ~~Division 3 of Title 2 of the Government Code).~~

18    ~~32350. The board shall hold its regular meetings within the~~  
19 ~~Delta.~~

20  
21           CHAPTER 5. POWERS, DUTIES, AND LIMITATIONS  
22

23    32360. The conservancy's jurisdiction is limited to the ~~delta~~  
24 *Delta*.

25    ~~32362. The conservancy may engage in partnerships with~~  
26 ~~nonprofit organizations, local public agencies, and landowners.~~

27    32364. (a) The conservancy may provide grants and loans to  
28 state agencies, local public agencies, nonprofit organizations, and  
29 tribal organizations to further the goals of the conservancy.

30    (b) ~~An entity applying for a grant from the conservancy to~~  
31 ~~acquire an interest in real property shall specify all of the following~~  
32 ~~in the grant application:~~

33       (1) ~~The intended use of the property.~~

34       (2) ~~The manner in which the land will be managed.~~

35       (3) ~~How the cost of ongoing management and monitoring will~~  
36 ~~be provided.~~

37    ~~32366. The conservancy may acquire from willing sellers or~~  
38 ~~transferors interests in real property and improve, lease, or transfer~~  
39 ~~interests in real property, in order to carry out the purposes of this~~  
40 ~~division.~~

1     ~~32368. The conservancy may enter into an agreement with a~~  
2 ~~public agency, nonprofit organization, or private entity, for the~~  
3 ~~construction, management, or maintenance of facilities authorized~~  
4 ~~by the conservancy.~~

5     ~~32370. The conservancy shall not exercise the power of eminent~~  
6 ~~domain.~~

7     ~~32372. (a) The conservancy may pursue and accept funds from~~  
8 ~~various sources, including, but not limited to, federal, state, and~~  
9 ~~local funds or grants, private philanthropy, gifts, donations,~~  
10 ~~bequests, devises, subventions, grants, rents, royalties, or other~~  
11 ~~assistance and funds from public and private sources.~~

12     ~~(b) The conservancy may accept fees levied by others.~~

13     ~~(c) The conservancy may create and manage endowments.~~

14     ~~(d) All funds received by the conservancy shall be deposited in~~  
15 ~~the fund for expenditure for the purposes of this division.~~

16     ~~32374. The Sacramento-San Joaquin Delta Conservancy Fund~~  
17 ~~is hereby created in the State Treasury. Money in the fund shall~~  
18 ~~be available, upon appropriation by the Legislature, only for the~~  
19 ~~purposes of this division.~~

20     ~~32362. (a) This division shall be implemented only upon~~  
21 ~~appropriation by the Legislature of funds from subdivision (a) of~~  
22 ~~Section 75050, for the purposes of this division.~~

23     ~~(b) The board shall not appoint an executive officer, employ~~  
24 ~~any other staff, execute any contract, or incur any other cost or~~  
25 ~~obligation, until the Legislature appropriates money for these~~  
26 ~~purposes.~~

27     ~~32376.~~

28     ~~32366. Within two years of hiring an executive director, the~~  
29 ~~board shall create and adopt a strategic plan to achieve the goals~~  
30 ~~of the conservancy. The plan shall describe its interaction with~~  
31 ~~local, regional, state, and federal land use, recreation, water and~~  
32 ~~flood management, and habitat conservation and protection efforts~~  
33 ~~within and adjacent to the Delta. The plan shall establish priorities~~  
34 ~~and criteria for projects and programs, based upon an assessment~~  
35 ~~of program requirements, institutional capabilities, and funding~~  
36 ~~needs throughout the Delta. The plan shall be consistent with the~~  
37 ~~Resource Management Plan developed by the Delta Protection~~  
38 ~~Commission and the Central Valley Flood Protection Plan.~~

39     ~~32378. (a) The conservancy may expend funds and award~~  
40 ~~grants and loans to facilitate collaborative planning efforts and to~~



1 ~~develop projects and programs that are designed to further the~~  
2 ~~purposes of this division.~~

3 ~~(b) The conservancy may provide and make available technical~~  
4 ~~information, expertise, and other nonfinancial assistance to public~~  
5 ~~agencies, nonprofit organizations, and tribal organizations, to~~  
6 ~~support program and project development and implementation.~~

7 ~~32380. The conservancy may acquire water or water rights to~~  
8 ~~support the goals of the conservancy.~~

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